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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 SEE MORE LIGHT INVESTMENTS, ) No. CV 08-580-PHX-MHM  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 )  
13 MORGAN STANLEY DW INC., )  
14 Defendant. )  
15

16 Currently pending before the Court is Plaintiff See More Light Investments'  
17 ("Plaintiff") first amended petition to vacate denial of arbitration award (Dkt. #9); Defendant  
18 Morgan Stanley DW Inc.'s ("Defendant") motion to strike Plaintiff's amended motion or in  
19 the alternative for a more definite statement (Dkt. #11); and Plaintiff's motion to amend the  
20 case caption (Dkt. #15). After reviewing the pleadings, the Court issues the following order.

21 On March 26, 2008, Plaintiff filed a 56-page petition to vacate the denial of an  
22 arbitration award. (Dkt. #1). Magistrate Judge Lawrence O. Anderson issued an order on  
23 March 31, 2008, that among other things requiring Plaintiff to file an amended petition that  
24 complied in all aspects with Magistrate Judge Anderson's order, Rule 8(a) of the Federal  
25 Rules of Civil Procedure, and the Rules of Practice for the District of Arizona. (Dkt. #4).  
26 Plaintiff subsequently elected assignment of the case to a district judge, and the case was  
27 randomly assigned to the undersigned. (Dkt. #s 5, 6). However, the Court then issued a  
28

1 minute order directing Plaintiff to comply with Magistrate Judge Anderson's March 31, 2008  
2 order. (Dkt. #7).

3 On April 21, 2008, Plaintiff filed a 57-page amended petition to vacate the denial of  
4 an arbitration award. (Dkt. #9). Plaintiff's first amended petition again grossly fails to  
5 comply with Rule 8(a)'s requirements that Plaintiff's claims be supported by brief, material  
6 facts, i.e. a "short and plain statement." Plaintiff's petition again contains extremely large  
7 and varying font sizes; Plaintiff did not comply with Magistrate Judge Anderson's direction  
8 that the font of Plaintiff's petition should be reduced to a uniform font "no smaller than 13  
9 pont," as specified in Local Rule 7.1(b)(1). (Dkt. #4, p.5). In addition, Plaintiff did not  
10 comply with Magistrate Judge Anderson's direction that the amended petition should be  
11 limited to approximately 17 pages in length. (Id.). Magistrate Judge Anderson stated clearly  
12 in his order that if Plaintiff did not comply with the Court's order, the Federal Rules of Civil  
13 Procedure, and the Court's Rules of Practice, then Plaintiff's case may be dismissed without  
14 prejudice. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992); see also LRCiv.  
15 7.2(i).

16 However, in an abundance of caution, instead of dismissing Plaintiff's motion outright  
17 for failure to comply with the Court's orders, the Federal Rules of Civil Procedure, and the  
18 Local Rules of Practice, the Court will grant Plaintiff leave to file a second amended  
19 complaint. Plaintiff is again directed to comply with Magistrate Judge Anderson's March  
20 31, 2008 order, as well as Rule 8(a)'s "short and plain statement" requirement and the  
21 Court's Local Rules of Civil Procedure, which are available on the Court's website,  
22 [www.azd.uscourts.gov](http://www.azd.uscourts.gov), under the link "Opinion / Orders / Rules," then "Local Rules," and  
23 then "Local Rules of Civil Procedure (2007-2008)." Plaintiff is specifically directed to Rules  
24 7.1(b)(1) and 7.2(e) of the Court's Local Rules of Civil Procedure; Plaintiff is directed to use  
25 a uniform 13 size font, preferably Times New Roman. In addition, Plaintiff is directed to  
26 limit the use of text appearances, such a bold, underline, and caps.

27 The Court acknowledges that it is Plaintiff's position that everything contained in its  
28 57-page amended petition is important and cannot be eliminated. However, Plaintiff must

1 abide by this Court's orders and the Federal Rules of Civil Procedure; a 57-page petition in  
2 no way complies with Rule 8(a) of the Federal Rules of Civil Procedure or the Court's Local  
3 Rules of Practice. Plaintiff must make selective choices in determining what facts to include  
4 in its petition; if this action proceeds, then Plaintiff will have additional opportunity to argue  
5 its position. In addition, Plaintiff's second amended complaint should not contain any sort  
6 of response to this order, such as that contained in Plaintiff's first amended complaint with  
7 respect to Magistrate Judge Anderson's order. Plaintiff's second amended petition must be  
8 limited, if possible, to no more than seventeen (17) pages in length, and under no  
9 circumstances may second amended petition exceed twenty-five (25) pages in length.

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11 **Accordingly,**

12 **IT IS HEREBY ORDERED** that Defendant's motion to strike or alternatively for  
13 a more definite statement is GRANTED. (Dkt. #11).

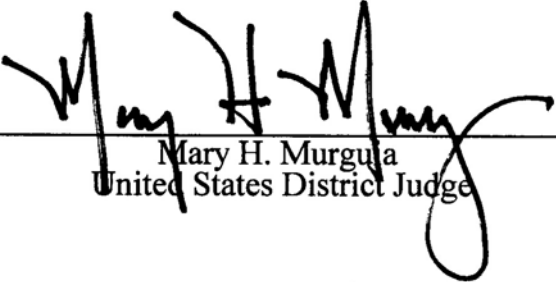
14 **IT IS FURTHER ORDERED** that Plaintiff's first amended petition to vacate denial  
15 of arbitration award (Dkt. #9) is dismissed without prejudice with leave to refile a second  
16 amended petition in full compliance with Judge Anderson's March 31, 2008 order, Rule 8(a)  
17 of the Federal Rules of Civil Procedures, and the Rules of Practice of the United States  
18 District Court for the District of Arizona. Plaintiff must file a second amended petition to  
19 vacate denial of arbitration award that is no more than 25 pages in length on or before  
20 Monday, July 28, 2008. No exhibits may be attached to the second amended petition, as  
21 numerous exhibits have already been filed; exhibits may be filed with dispositive motions  
22 pursuant to Rule 56 of the Federal Rules of Civil Procedure. If Plaintiff's second amended  
23 petition does not comply in all aspects with this order, then this case will be subject to  
24 dismissal without prejudice pursuant to LRCiv. 7.2(i) and Rule 41(a)(2) or Rule 41(b) of the  
25 Federal Rules of Civil Procedure.

26 **IT IS FURTHER ORDERED** that Plaintiff is directed to file a reply to Defendant's  
27 response (Dkt. #19, p.3, line 11, through p.4, line 6) to Plaintiff's motion to amend the case  
28 caption (Dkt. #15) that Dr. Licht does not have standing to bring an action challenging the

1 underlying arbitration award under the Federal Arbitration Act because Dr. Licht was not a  
2 party to the arbitration. Plaintiff must file its reply on or before July 28, 2008. The reply  
3 must be filed separately from Plaintiff's second amended petition.

4 DATED this 20<sup>th</sup> day of June, 2008.

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Mary H. Murgula  
United States District Judge